

REMARKS

Claims 1-25 stand in this application. Claims 1, 5, 18, 21, and 24 have been amended. No new matter has been added. Applicant respectfully requests favorable reconsideration and allowance of the standing claims.

At page 3 of the Final Office Action claims 1-8 and 10-25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Number (USPN) 6,650,641 to Albert et al. ("Albert"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102(e), the cited reference must teach every element of the claim. See MPEP § 2131, for example. Applicant submits that Albert fails to teach each and every element recited in claims 1, 5, 18, 21, and 24 and thus they define over Albert. For example, with respect to claim 1, Albert fails to teach, among other things, the following language:

a device ... to receive a content based message comprising a header and application data provided in one or more fields after the header via one or more received packets and to process the content based message only if the received packets have the one or more fields comprising the application data, wherein the content of the application data provided after the header in the one or more fields matches the configuration of the device....

According the Office Action, this language is disclosed in Albert at Fig. 3c, col. 12, lines 65 through col. 13, lines 29; col. 15, lines 44-47; and col. 16 lines 7-18. Applicant respectfully disagrees that this language is recited in Albert. In contrast, at col. 7, lines 51-55, Albert discloses, in relevant part that:

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a flow may be identified by a source IP address and destination IP address, by a source IP address, destination IP address and protocol, by a quad, by an affinity key 5-tuple, by only a source and destination address or by other information available in a packet header.

Whereas the subject matter recited in amended claim 1 is generally directed to “a device ... to receive ... application data provided in one or more fields after the header” and “to process the content based message only if the received packets have the one or more fields comprising the application data,” Albert merely discloses flows based on information available in the header. According to Albert, the 5-tuple spans the “packet headers.” (See Albert at FIG. 6, col. 16, lines 6-19, for example.) Therefore, the 5-tuple is not application data provided after the header, but rather, is information that is part of the header. The application data recited in amended claim 1 is provided in one or more fields after the header and is not part of the header as disclosed in Albert.

Furthermore, according to amended claim 1, the “device” is configured “to receive a content based message comprising a header and application data provided in one or more fields after the header” and “to process the content based message only if the received packets have the one or more fields comprising the application data.” Thus, the device recited in amended claim 1 examines the packets well beyond a request line, such as a URL and message headers, and looks into the content of application data, such as a business transaction data, provided in a body portion of a message, which follows the header portion of the message. The device then forwards the content based message based on the contents of the “application data provided in one or more fields after the header” and not on the basis of the content of “packet headers” such as the affinity key 5-tuple disclosed in Albert, which is provided in the header portion of the message.

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Consequently, Albert fails to disclose all the elements or features of the claimed subject matter. Accordingly, at least on this basis, Applicant respectfully requests removal of the anticipation rejection with respect to claim 1, and claims 2-4 that depend therefrom.

Claims 5, 18, 21, and 24 are amended to recite features similar to those recited in claim 1. Therefore, for reasons analogous to those discussed above with respect to claim 1, Applicant respectfully submits that claims 5, 18, 21, and 24, and all claims directly or indirectly depending therefrom, are not anticipated by and are patentable over Albert.

Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claims 1-8 and 10-25.

At page 6 of the Final Office Action claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Number (USPN) 6,650,641 to Albert et al. ("Albert") in view of United States Patent Number (USPN) 6,430,624 Jamtgaard et al. ("Jamtgaard"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Applicant respectfully submits that to form a proper *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. See MPEP § 2143.03, for example. Applicant respectfully submits that the cited references, taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 9. Therefore claim 9 defines over Albert in view of Jamtgaard whether taken alone or in combination.

For example, claim 9 depends from claim 5. Claim 5 recites the following language, in relevant part:

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devices ... to receive a content based message comprising a header and application data provided in one or more fields after the header via one or more received packets and to process the content based message only if the received packets have the one or more fields comprising the application data, wherein the content of the application data provided after the header in the one or more fields matches the configuration of the devices....

As indicated previously, Albert fails to disclose this feature. Applicant respectfully submits that Jamtgaard also fails to disclose this feature. Therefore, Albert and Jamtgaard, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 5. Thus, because claim 9 depends from 5, it follows that Albert and Jamtgaard, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 9 by virtue of its dependency from claim 5.

Therefore, at least on this basis, Applicant submits that claim 9 is non-obvious and represents patentable subject matter in view of Albert and Jamtgaard, whether taken alone or in combination. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claim 9.

For at least these reasons, Applicant submits that claims 1-25 recite novel features not shown by the cited references. Further, Applicant submits that claims 1-25 recite novel and non-obvious features and provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be

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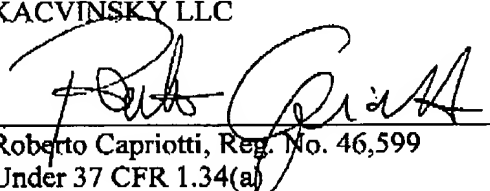
necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-25 are now in allowable form. Accordingly, Applicant respectfully requests a timely Notice of Allowance with respect thereto.

The Examiner is invited to contact the undersigned at 724-933-5529 to discuss any matter concerning this application.

Respectfully submitted,

KACVINSKY LLC



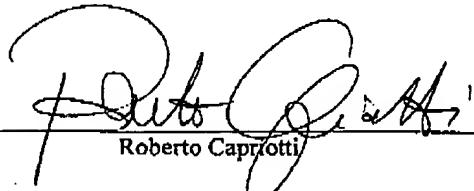
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Under 37 CFR 1.34(a)

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CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.



Roberto Capriotti

December 9, 2005

Date